

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Isaac Forman	Team: Squad #15	CCRB Case #: 201704075	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/17/2017 5:50 AM	Location of Incident: § 87(2)(b)	Precinct: 32	18 Mo. SOL 11/17/2018	EO SOL 11/17/2018	
Date/Time CV Reported Wed, 05/17/2017 7:18 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 05/23/2017 12:46 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. An officer			WARRSEC
2. SGT Damion Brown	03928	945533	WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Sonia Christian	03066	925077	WARRSEC
2. DT3 Joe Green	941	938612	WARRSEC
3. DT3 Thomas Carter	01170	925036	WARRSEC
4. DT3 Raymond Mccann	4391	938976	WARRSEC
5. DT3 Jerome Foy	4344	922360	WARRSEC
6. DT3 Claudio Paula	3327	939188	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.SGT Damion Brown	Abuse: Sergeant Damion Brown entered and searched § 87(2)(b) in Manhattan.	§ 87(2)(b)
B. An officer	Abuse: An officer damaged § 87(2)(b)'s property.	§ 87(2)(b)

Case Summary

On May 17, 2017, § 87(2)(b) called the IAB Command Center and filed this complaint. Original Log #2017-18832 was generated and was received at the CCRB on May 23, 2017.

On May 17, 2017, at approximately 5:50am, Sergeant Damion Brown, Detective Joe Green, Detective Thomas Carter, Sergeant Sonia Christian, and Detective Claudio Paula of Manhattan Warrant Squad, entered and searched § 87(2)(b) in Manhattan (**Allegation A: Abuse of Authority**, § 87(2)(g)). While inside the apartment, an unidentified officer allegedly stepped on § 87(2)(b)'s glasses causing them to break (**Allegation B: Abuse of Authority**, § 87(2)(g)).

Video footage from the hallway outside the apartment was obtained (BR 01).

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Damion Brown entered and searched § 87(2)(b), in Manhattan.

It is undisputed that Sgt. Brown, along with the officers assigned to his team entered and searched § 87(2)(b). § 87(2)(g)

§ 87(2)(b) testified that after hearing her doorbell ring, she asked who it was and a male voice said it was the 33rd Precinct and asked if any males were home. § 87(2)(b) stated that there were not. The voice asked if anyone was home with the last name “§ 87(2)(b)” at which point § 87(2)(b) looked through the peephole on the door and observed six to seven police officers. Det. Green held up his shield and stated to § 87(2)(b) that they had a warrant. § 87(2)(b) opened the door and Det. Green showed her the warrant, which had a list of charges, § 87(2)(b) name, and an address that began with “§ 87(2)(b).” § 87(2)(b) did not see her own address on the warrant. § 87(2)(b) informed the officers that § 87(2)(b) did not live at the apartment nor was he there at the moment. An officer stated to § 87(2)(b) that they still had to look around the location to confirm that § 87(2)(b) was not there. § 87(2)(b) testified that because they said they had to look around to confirm that § 87(2)(b) was not there, that she allowed them to enter the apartment. She did not do so verbally but allowed the officers to pass her and enter the apartment (BR 11).

Though multiple officers acknowledged entering the apartment, Sgt. Brown was the team leader for the officers assigned to § 87(2)(b) apprehension. § 87(2)(g)

Sgt. Brown testified that at a tactical meeting at the 33rd Precinct stationhouse, he and his team were assigned the apprehension of § 87(2)(b), following a Gun Suppression investigation. The folder provided to Sgt. Brown included the subject's name: § 87(2)(b). It also included a photograph of § 87(2)(b) his pedigree information, an arrest warrant, as well as two addresses that he could be at. One address was § 87(2)(b). Sgt. Brown testified that this location was where his child's mother resided. This address was obtained via an investigation in January of 2017 by a Det. Martinez of the 32nd Precinct Detective Squad. This information was recorded on the fly page of Det. Brown's memo book. The second

address listed was § 87(2)(b) § 87(2)(b). Sgt. Brown and the rest of his team then travelled directly to § 87(2)(b) § 87(2)(b). An officer, Sgt. Brown couldn't recall who, knocked on the door and § 87(2)(b) answered. § 87(2)(b) was informed that they had a warrant for § 87(2)(b) § 87(2)(b). She confirmed that she knew § 87(2)(b) but stated that he was not present at the moment. § 87(2)(b) then stated that the officers could look around the apartment to confirm. Sgt. Brown further testified that no officer asked § 87(2)(b) if the officers could come into the apartment. Sgt. Brown testified that they went into the apartment to look for § 87(2)(b) § 87(2)(b). There were no additional reasons (BR 06).

Sgt. Brown was re-interviewed in regards to this incident and clarified that the two addresses, § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) were entered and searched simultaneously. § 87(2)(b) § 87(2)(b) was arrested at § 87(2)(b) § 87(2)(b). Sgt. Brown testified that the two locations were hit simultaneously so that if § 87(2)(b) § 87(2)(b) was not at the first location entered, a contact would not be able to inform him that the police were looking for him, thus allowing him to flee the other location. Sgt. Brown testified that he decided that the teams would go simultaneously to the locations and that his team would go to § 87(2)(b) § 87(2)(b). Sgt. Brown also clarified that the freshest information that the team had in regards to § 87(2)(b) § 87(2)(b) was the information provided to Det. Martinez on January 26, 2017 (BR 15).

After Det. Martinez learned from § 87(2)(b) § 87(2)(b) Grandmother that he stayed at § 87(2)(b) § 87(2)(b) § 87(2)(b) was arrested on January 30, 2017. Arrest report # § 87(2)(b) § 87(2)(b) of § 87(2)(b) § 87(2)(b) on January 30, 2017, indicates that § 87(2)(b) § 87(2)(b) was arrested inside of § 87(2)(b) § 87(2)(b) in Manhattan. In addition, § 87(2)(b) § 87(2)(b) home is listed as § 87(2)(b) § 87(2)(b) in Manhattan (BR 16).

Det. Green testified that while at the tactical meeting at the 33rd Precinct stationhouse, Sgt. Brown informed the officers of the subject's name and address, which Det. Green believed was § 87(2)(b) § 87(2)(b). Det. Green was not informed of how this address was obtained. After the meeting the officers travelled directly to § 87(2)(b) § 87(2)(b). An officer knocked on the door of § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) answered. § 87(2)(b) § 87(2)(b) was informed that they had an arrest warrant for § 87(2)(b) § 87(2)(b). § 87(2)(b) § 87(2)(b) stated that he did not live there. Det. Green couldn't recall if she stated whether or not he was there at the moment. He also couldn't recall if she was asked. An officer, Det. Green could not recall who, asked § 87(2)(b) § 87(2)(b) if the officers could come inside and check if § 87(2)(b) § 87(2)(b) was in fact there. § 87(2)(b) § 87(2)(b) stated that they could but to hurry. Det. Green stated that § 87(2)(b) § 87(2)(b) was asked if they could look around the apartment for the sole purpose of checking whether the subject of the arrest warrant was present (BR 07).

Det. Carter testified that at the tactical meeting at the 33rd Precinct stationhouse, Sgt. Brown informed the officers of the subject of the warrant's name and address. The address was § 87(2)(b) § 87(2)(b). Det. Carter was not informed how the address was obtained. Det. Carter and the team then went directly to § 87(2)(b) § 87(2)(b). There, an officer knocked on the door of the apartment. As they waited, Det. Green stated through the door that they had a warrant. Det. Carter couldn't recall if Det. Green said who the warrant was for. § 87(2)(b) § 87(2)(b) answered the door and stated that the subject was not present. Det. Carter couldn't recall if § 87(2)(b) § 87(2)(b) stated whether or not the subject lived at the location. Det. Carter testified that § 87(2)(b) § 87(2)(b) then let them into the apartment. Det. Carter couldn't recall if § 87(2)(b) § 87(2)(b) said something that indicated that they

could enter or if she did something physically. He further testified that, other than opening the door, he couldn't recall § 87(2)(b) doing anything additional to indicate that the officers could enter the apartment (BR 08).

Det. Paula testified that, after completing his own team's apprehension, Sgt. Christian and he were driving in the vicinity of § 87(2)(b). They observed Sgt. Brown and his team entering the building and accompanied them as backup. As Det. Paula entered the building he observed the officers outside of § 87(2)(b) and approached them. An officer, Det. Paula did not know which one, knocked on the door and stated, "NYPD." § 87(2)(b) opened the door and there was a brief conversation between her and one of the officers. § 87(2)(b) was informed that the officers had a warrant for § 87(2)(b). § 87(2)(b) stated that he was not present. Det. Green and another officer, Det. Paula couldn't recall which one, informed § 87(2)(b) that the officers still had to look around the apartment to confirm that § 87(2)(b) was not present. § 87(2)(b) then allowed the officers into the apartment (BR 10).

All the officers testified that a brief sweep of the apartment was done and that § 87(2)(b) was not present. § 87(2)(b) arrest report indicates that he was later arrested inside of § 87(2)(b).

On January 5, 2018, a call was placed to Manhattan Assistant District Attorney Rebecca Dunnan, who is the criminal prosecutor on § 87(2)(b) case with the New York District Attorney's Office. ADA Dunnan informed the investigator that the arrest warrant for § 87(2)(b) includes only the address, § 87(2)(b).

"A valid warrant of arrest of one person may not serve as the basis for authorizing police to conduct an otherwise illegal search of the premises of a second person." People v. Hernandez, 218 A.D.2d 167 (BR 14).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

Allegation (B) Abuse of Authority: An officer damaged § 87(2)(b)'s property.

§ 87(2)(b) alleged that while inside her bedroom, an officer stepped on and damaged her eye glasses.

§ 87(2)(b) observed that her eye glasses were broken after the officers had left the apartment. She testified that she had placed them on the first rung of her bunk bed the night before and that at that time they were not broken. While the room was being searched she saw an officer step on the rung where her glasses had been, however she did not observe the officer step on the actual glasses (BR 04).

§ 87(2)(b) described the subject officer as being male, black, 6'2" tall, muscular build, 40s, black hair, mustached, wearing a black shirt, a bullet proof vest, and dark jeans. Of the officers that entered the apartment, three are listed as black males. All three reasonably fit the physical description provided by § 87(2)(b). During the course of the investigation, the investigator contacted § 87(2)(b) in regards to possibility of conducting a photo array to aid officer identification. § 87(2)(b) indicated that she no longer wanted to participate in the investigation.

All of the officers that entered the apartment denied stepping on a pair of eye glasses and denied observing any other officer do so. Only Det. Green recalled looking in a bedroom for the subject of the arrest warrant. He testified that he went into a bedroom, looked into a closet, then left the bedroom. He did not observe a bunk bed in the bedroom nor did he look inside any bed. None of the other officers observed any bunk beds in the apartment (BR 05, 06, 07, 08, 09, 10).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) or § 87(2)(b) have been a party (BR 03).
- Sgt. Brown has been a member of service for ten years and has been a subject in six CCRB complaints and 14 allegations, of which five were substantiated:
 - Case #201608013 involved substantiated allegations of entry and/or search, property damage, and three detained persons against Sgt. Brown. The Board

recommended Command Discipline B and the NYPD imposed Command Discipline A.

- § 87(2)(g) [REDACTED].

Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] declined to mediate.
- As of September 15, 2017, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (BR 02).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
[REDACTED]

Squad No.: 15

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____